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July 19, 2019

The Honorable Mitchell S. Goldberg  
United States District Court  
Eastern District of Pennsylvania  
601 Market Street  
Philadelphia, PA 19106-1797

*VIA ELECTRONIC FILING*

RE: *Amgen Inc. v. Accord Healthcare, Inc.*  
C.A. No. 18-956 (MSG)

Dear Judge Goldberg:

We submit this joint letter in advance of the discovery telephone conference scheduled for Tuesday, July 23, 2019 at 11:00 a.m. The parties have two related discovery disputes.

The first dispute is whether Accord should be required to produce its fact witnesses for deposition before the Court rules on Accord's pending motion for summary judgment. The Court's case schedule set the close of fact discovery for August 30. Accord objects to producing any witnesses at this time, and asserts that fact depositions would only be appropriate if the Court denies Accord's summary judgment motion. Amgen asserts that Accord's summary judgment motion is not relevant to whether and when depositions should occur and that Accord should produce its witnesses by the deadline for the close of fact discovery. Moreover, for the reasons stated in its Opposition to Accord's summary judgment motion, Amgen believes that fact discovery is needed before the Court can rule on summary judgment.

The second dispute relates to the location of the depositions. Amgen asserts that the depositions of Accord's witnesses should be in the U.S. Accord asserts if the Court orders depositions to proceed, it will make two fact witnesses available for depositions in the U.S., but that any additional depositions of Accord's India-based employees should take place in India

Respectfully,

*/s/ Jack B. Blumenfeld*

Jack B. Blumenfeld (#1014)

JBB/bac

cc: Clerk of Court (via hand delivery)  
All Counsel of Record (via electronic mail)